

EXHIBIT 4

MISC. CASE NO.: 5:20-mc-4

APPLICATION OF MOTHER'S)
MILK, INC., FOR *EX PARTE*)
ORDER TO OBTAIN DISCOVERY)
FOR USE IN FOREIGN)
PROCEEDINGS)

Case 5:20-mc-00004-M Document 2-4 Filed 02/21/20 Page 2 of 9

mark and navigated on the USPTO website to the application submitted in support of the mark. I downloaded the application from the following URL:

<http://tsdr.uspto.gov/documentviewer?caseId=sn88680057&docId=RFA20191108121705#docIndex=2&page=1>. The document attached to this declaration as

Exhibit A is a true and correct copy of the application I downloaded. I have not modified it.

4. The application states that the filing date is November 5, 2019. It states the owner of the mark is Motif Medical, LLC. It lists the address for Motif Medical, LLC, as 1053 East Whitaker Mill Road, Suite 115, Raleigh, North Carolina 27604.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this the 20th day of February, 2020.

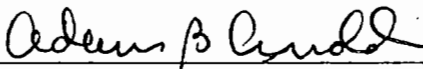

Adam B. Arnold

EXHIBIT A

Trademark/Service Mark Application, Principal Register

Serial Number: 88680057

Filing Date: 11/05/2019

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88680057
MARK INFORMATION	
*MARK	CLEAN-Z
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CLEAN-Z
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Motif Medical, LLC
*STREET	1053 E Whitaker Mill Rd, Suite 115
*CITY	Raleigh
*STATE (Required for U.S. applicants)	North Carolina
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	27604
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	010
*IDENTIFICATION	Medical apparatus for use in cleaning and sanitizing continuous positive airway pressure (CPAP) devices
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Norman J. Leonard
ATTORNEY DOCKET NUMBER	161593-00023
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX

U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Ward and Smith, P.A.
INTERNAL ADDRESS	Post Office Box 33009
STREET	751 Corporate Center Drive, Suite 300
CITY	Raleigh
STATE	North Carolina
COUNTRY	United States
ZIP/POSTAL CODE	27636-3009
PHONE	919-277-9100
FAX	919-277-9177
EMAIL ADDRESS	trademarks@wardandsmith.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Norman J. Leonard
FIRM NAME	Ward and Smith, P.A.
INTERNAL ADDRESS	Post Office Box 33009
STREET	751 Corporate Center Drive, Suite 300
CITY	Raleigh
STATE	North Carolina
COUNTRY	United States
ZIP/POSTAL CODE	27636-3009
PHONE	919-277-9100
FAX	919-277-9177
*EMAIL ADDRESS	trademarks@wardandsmith.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	275
*TOTAL FEE DUE	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
SIGNATURE	/BrandonFonville/
SIGNATORY'S NAME	Brandon Fonville
SIGNATORY'S POSITION	Manager
SIGNATORY'S PHONE NUMBER	844-272-8390
DATE SIGNED	11/05/2019

Trademark/Service Mark Application, Principal Register

Serial Number: 88680057

Filing Date: 11/05/2019

To the Commissioner for Trademarks:

MARK: CLEAN-Z (Standard Characters, see mark)

The literal element of the mark consists of CLEAN-Z. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Motif Medical, LLC, a limited liability company legally organized under the laws of Delaware, having an address of
1053 E Whitaker Mill Rd, Suite 115
Raleigh, North Carolina 27604
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 010: Medical apparatus for use in cleaning and sanitizing continuous positive airway pressure (CPAP) devices
Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

The applicant hereby appoints Norman J. Leonard. Norman J. Leonard of Ward and Smith, P.A., is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

Post Office Box 33009
751 Corporate Center Drive, Suite 300
Raleigh, North Carolina 27636-3009
United States
919-277-9100(phone)
919-277-9177(fax)
trademarks@wardandsmith.com (authorized).

The attorney docket/reference number is 161593-00023.

Norman J. Leonard submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Norman J. Leonard
Ward and Smith, P.A.
Post Office Box 33009
751 Corporate Center Drive, Suite 300
Raleigh, North Carolina 27636-3009
919-277-9100(phone)
919-277-9177(fax)
trademarks@wardandsmith.com (authorized).

Email Authorization: I authorize the USPTO to send email correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the email address provided in this application. I understand that a valid email address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

☒ **Basis:**

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- ☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- ☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /BrandonFonville/ Date: 11/05/2019

Signatory's Name: Brandon Fonville

Signatory's Position: Manager

Payment Sale Number: 88680057

Payment Accounting Date: 11/05/2019

Serial Number: 88680057

Internet Transmission Date: Tue Nov 05 08:42:11 EST 2019

TEAS Stamp: USPTO/BAS-XX.XX.XXX.XX-20191105084211937

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C-42105894-20191104134412265972

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